

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

ELIZABETH DE COSTER, *et al.*, on behalf of
themselves and all other similarly situated,

No. 2:21-cv-00693-JHC

STIPULATED MOTION AND
ORDER REGARDING
ADDITIONAL DISCOVERY
COORDINATION ISSUES

AMAZON.COM, INC., a Delaware corporation,

Defendant.

No. 2:20-cv-00424-JHC

DEBORAH FRAME-WILSON, *et al.*, on behalf
of themselves and all other similarly situated,

Plaintiffs,

V

AMAZON.COM, INC., a Delaware corporation.

Defendant

No. 22-cv-00965-JHC

CHRISTOPHER BROWN, *et al.*, on behalf of
themselves and all other similarly situated.

Plaintiffs

V.

AMAZON.COM, INC., a Delaware corporation

Defendant

1 Pursuant to Local Civil Rules 7(d)(1) and 10(g), the Parties in the above-captioned
 2 actions, by and through their respective counsel, agree to the following stipulation relating to
 3 discovery coordination issues in these actions.

4 The Parties agreed and the Court ordered that Amazon would produce to Plaintiffs in
 5 these matters documents Amazon produced in *People of the State of California v. Amazon.com, Inc.*, No. CGC-22-601826 (Cal. Super. Court, San Francisco) (“*California Action*”). *See, e.g., Frame-Wilson et al. v. Amazon.com, Inc.*, Stipulated Motion and Order Regarding Discovery, ECF No. 123 at ¶ 6; *Frame-Wilson et al. v. Amazon.com, Inc.*, Order Re: Discovery Coordination, Class Certification Briefing Schedule & Rule 30(b)(6) Deposition, ECF No. 172, at 5.

11 The Court also ordered Amazon to produce to Plaintiffs in these matters documents that it
 12 produces in *FTC v. Amazon.com, Inc.*, No. 2:23-cv-01495-JHC (W.D. Wash.) (“*FTC Action*”) to
 13 the extent they are relevant to any “parity” claims asserted in the above-captioned actions. *See Frame-Wilson et al. v. Amazon.com, Inc.*, Order Re: Discovery Coordination, Class Certification Briefing Schedule & Rule 30(b)(6) Deposition, ECF No. 172, at 5.

16 The Court ordered that “Fact discovery in the above-captioned actions shall be
 17 coordinated with fact discovery” in the *California Action* and the *FTC Action*, and that the
 18 Parties “shall use all reasonable efforts to coordinate the depositions of Amazon witnesses and
 19 nonparty witnesses across all of the coordinated cases,” “absent either (i) agreement of the
 20 Parties or (ii) a showing of good cause and order of the Court.” *Id.* at 5-6.

21 Accordingly, the Parties stipulate and agree as follows:

22 1. The parties agree that Amazon will produce to Plaintiffs in these actions any
 23 structured data Amazon previously produced or produces in the *California Action*. The Court’s
 24 prior Order that Amazon produce to Plaintiffs in these actions documents that Amazon produced
 25 in the *FTC Action* to the extent they are relevant to any “parity” claims asserted in the above-
 26 captioned actions (*Frame-Wilson*, ECF No. 172 at 5) includes structured data that Amazon
 27 produced or produces in the *FTC Action* to the extent such data are relevant to such “parity”

STIP. MOT. & ORDER

RE ADDITIONAL DISCOVERY COORDINATION ISSUES

(No. 2:21-cv-00693-JHC; No. 2:20-cv-00424-JHC; No. 22-cv-00965-JHC) - 1

1 claims. For the avoidance of doubt, Amazon need not reproduce data to Plaintiffs that has
2 already been produced to Plaintiffs in these matters. This stipulation and order does not prevent
3 Plaintiffs from seeking any additional or different data that is responsive to discovery requests
4 Plaintiffs have served or will serve in any of the above-captioned actions.

5 2. Amazon will use best efforts to produce in these actions documents it produced in
6 the *California* Action within 10 business days of their production in the *California* Action.

7 3. As the parties have been undertaking to date, Amazon will produce to Plaintiffs
8 the search parameters, including, but not limited to, search terms, custodians, and date ranges,
9 used by Amazon to produce documents in the *FTC* Action and the Parties will meet and confer
10 regarding the documents that Amazon will reproduce to Plaintiffs because they are relevant to
11 any “parity” claims asserted in the above-captioned actions. For the avoidance of doubt, Amazon
12 will provide the search parameters used in connection with the Initial Set and Second Set of
13 documents and any other subsequent set of documents produced by Amazon in the *FTC* Action.
14 Once the Parties agree on the search terms likely to yield documents relevant to any “parity”
15 claims asserted in the above-captioned actions from Amazon’s custodial productions, Amazon
16 will produce to Plaintiffs all non-privileged documents (and families) from Amazon’s custodial
17 productions that it produces in the *FTC* Action that hit on such search term(s) without regard to
18 any additional relevance, responsiveness, or privilege review.

19 4. Regarding non-custodial documents Amazon produces in the *FTC* Action (i.e.,
20 “go-get” productions), Amazon will provide to Plaintiffs an index, which it will update
21 periodically, describing the categories of documents Amazon has produced pursuant to “go-get”
22 collections in the *FTC* Action. The Parties will meet and confer regarding the non-custodial
23 documents that Amazon will reproduce to Plaintiffs because they are relevant to any “parity”
24 claims asserted in the above-captioned actions.

25 5. The Parties will meet and confer regarding the structured data productions that
26 Amazon has made in the *FTC* Action that Amazon will reproduce to Plaintiffs because they are
27 relevant to any “parity” claims asserted in the above-captioned actions.

STIP. MOT. & ORDER

RE ADDITIONAL DISCOVERY COORDINATION ISSUES

(No. 2:21-cv-00693-JHC; No. 2:20-cv-00424-JHC; No. 22-cv-00965-JHC) - 2

1 6. Notwithstanding any other provision in this Stipulated Motion, to the extent
2 Amazon reproduces to the California Attorney General any documents (including data) Amazon
3 produced in the *FTC* Action, Amazon shall also reproduce such documents to Plaintiffs in the
4 above-captioned actions.

5 7. With respect to additional document productions Amazon makes to the *FTC*,
6 Amazon will use best efforts to produce such documents in these actions within 10 business days
7 of their production in the *FTC* Action. Further, Amazon will use best efforts to substantially
8 complete its production to Plaintiffs of documents originally produced in the *FTC* Action no later
9 than 10 business days after Amazon's deadline to substantially complete its productions in the
10 *FTC* Action. Amazon will notify Plaintiffs when its productions are substantially complete.

11 8. Amazon will make best efforts to provide to Plaintiffs a privilege log for all
12 documents relevant to any "parity" claims asserted in these actions but withheld from production
13 in the *FTC* Action and included on Amazon's privilege log(s) in the *FTC* Action within 10
14 business days of Amazon's transmittal of its privilege log(s) to the *FTC*. Amazon agrees to meet
15 and confer with Plaintiffs should they have questions concerning privilege log entries.

16 9. When Amazon produces to Plaintiffs documents it originally produced in the *FTC*
17 Action, it will provide to Plaintiffs correspondence that Amazon sent to the *FTC* that
18 accompanies the productions to the *FTC* (i.e., production cover letters). Amazon reserves the
19 right to redact or withhold any substantive information in those correspondence that is not
20 relevant to the claims in the above-captioned actions and will meet and confer with Plaintiffs
21 about any such redactions to the extent reasonably necessary to resolve Plaintiffs' objections.

22 10. Upon Plaintiffs' request, Amazon will provide to Plaintiffs unredacted versions of
23 any redacted or sealed court filings and orders entered in the *California* Action or in the *FTC*
24 Action that relate to Plaintiffs' parity-related claims, and/or entered in any other action that has
25 been defined as a "Coordinated Action" in the *California* Action or *FTC* Action (an "Other
26 Coordinated Action") to the extent such filings and orders are relevant to these actions (e.g., to
27 the extent Plaintiffs have access to the underlying materials supporting such filings and orders).

STIP. MOT. & ORDER

RE ADDITIONAL DISCOVERY COORDINATION ISSUES

(No. 2:21-cv-00693-JHC; No. 2:20-cv-00424-JHC; No. 22-cv-00965-JHC) - 3

1 If such redacted or sealed filings or orders contain information designated Confidential or Highly
2 Confidential – Attorneys’ Eyes Only by a nonparty, Amazon will redact any such nonparty-
3 designated information that is not in Plaintiffs’ possession before providing Plaintiffs with a less
4 redacted version. Plaintiffs may, at the request of the California Attorney General or FTC (or any
5 other plaintiff in an Other Coordinated Action), provide to the California Attorney General or
6 FTC (or Other Coordinated Action plaintiff) unredacted versions of any redacted or sealed Court
7 filings in these actions. If such redacted or sealed filings or orders contain information
8 designated Confidential or Highly Confidential – Attorneys’ Eyes Only by a nonparty, Plaintiffs
9 will redact any such nonparty-designated information that is not in the possession of the
10 California Attorney General or FTC (or Other Coordinated Action plaintiff) before providing
11 them with a less redacted version. Amazon agrees to meet and confer with Plaintiffs to resolve
12 any disagreements on which filings and/or court orders are relevant to these actions.

13 11. Plaintiffs’ disclosure of Confidential or Highly Confidential Material that is in the
14 possession or knowledge of the California Attorney General or FTC (or Other Coordinated
15 Action plaintiff) to the California Attorney General or FTC (or Other Coordinated Action
16 plaintiff) under Sections 5.2(g) or 5.3(d) of the Amended Protective Orders entered in these
17 actions (*i.e.*, to an “other person who otherwise possessed or knew the information”) does not
18 violate the “use” provision contained in Section 5.1 of the Amended Protective Orders entered in
19 these actions. Amazon, however, does not consent to Plaintiffs receiving Amazon documents or
20 data from the FTC designated Confidential or Highly Confidential – Attorneys’ Eyes Only that
21 Amazon has not otherwise produced to Plaintiffs absent compliance with the enumerated
22 conditions in the Court’s November 12, 2024 Deposition Coordination Protocol and Order
23 entered in the *FTC* Action.

24 IT IS SO STIPULATED THROUGH COUNSEL OF RECORD.
25
26
27

1 DATED: February 18, 2025.

Respectfully submitted,

2 HAGENS BERMAN SOBOL SHAPIRO LLP

3 By /s/ Steve W. Berman

4 Steve W. Berman (WSBA No. 12536)
5 Barbara A. Mahoney (WSBA No. 31845)
6 1301 Second Avenue, Suite 2000
7 Seattle, WA 98101
Telephone: (206) 623-7292
Facsimile: (206) 623-0594
E-mail: steve@hbsslaw.com
barbaram@hbsslaw.com

8
9 Anne F. Johnson (*pro hac vice*)
10 594 Dean Street, Suite 24
Brooklyn, NY 11238
Telephone: (718) 916-3520
E-mail: annej@hbsslaw.com

11
12 KELLER POSTMAN LLC

13
14 Zina G. Bash (*pro hac vice*)
15 111 Congress Avenue, Suite 500
Austin, TX, 78701
Telephone: (512) 690-0990
E-mail: zina.bash@kellerpostman.com

16
17 Jessica Beringer (*pro hac vice*)
18 Shane Kelly (*pro hac vice*)
Alex Dravillas (*pro hac vice*)
19 150 North Riverside Plaza, Suite 4100
Chicago, Illinois 60606
Telephone: (312) 741-5220
E-mail: Jessica.Beringer@kellerpostman.com
E-mail: shane.kelly@kellerpostman.com
Email: ajd@kellerpostman.com

20
21 Roseann R. Romano (*pro hac vice*)
1101 Connecticut Avenue, N.W., Suite 1100
Washington, D.C., 20036
Telephone: (202) 918-1123
Email: Roseann.Romano@kellerpostman.com

22
23
24 *Interim Co-Lead Counsel for Plaintiffs and the*
25 *proposed Class*

26 STIP. MOT. & ORDER

27 RE ADDITIONAL DISCOVERY COORDINATION ISSUES

(No. 2:21-cv-00693-JHC; No. 2:20-cv-00424-JHC; No. 22-cv-00965-JHC) - 5

1 QUINN EMANUEL URQUHART &
2 SULLIVAN, LLP

3 By: /s/ Alicia Cobb
4 Alicia Cobb, WSBA # 48685
5 1109 First Avenue, Suite 210
6 Seattle, WA 98101
7 Telephone: (206) 905-7000
8 Email: aliciacobb@quinnemanuel.com

9 Steig D. Olson (*pro hac vice*)
10 David D. LeRay (*pro hac vice*)
11 Nic V. Siebert (*pro hac vice*)
12 Maxwell P. Deabler-Meadows (*pro hac vice*)
13 51 Madison Avenue, 22nd Floor
14 New York, NY 10010
15 Telephone: (212) 849-7000
16 Email: steigolson@quinnemanuel.com
17 Email: davidleray@quinnemanuel.com
18 Email: nicolassiebert@quinnemanuel.com
19 Email: maxmeadows@quinnemanuel.com

20 Adam B. Wolfson (*pro hac vice*)
21 865 South Figueroa Street, 10th Floor
22 Los Angeles, CA 90017-2543
23 Telephone: (213) 443-3000
24 Email: adamwolfson@quinnemanuel.com

25 *Interim Executive Committee for Plaintiffs and the*
26 *proposed Class*

27 DAVIS WRIGHT TREMAINE LLP

28 By: /s/ John A. Goldmark
29 John A. Goldmark, WSBA #40980
30 MaryAnn Almeida, WSBA #49086
31 920 Fifth Avenue, Suite 3300
32 Seattle, WA 98104-1610
33 Telephone: (206) 622-3150
34 Email: JohnGoldmark@dwt.com
35 Email: MaryAnnAlmeida@dwt.com

36 STIP. MOT. & ORDER

37 RE ADDITIONAL DISCOVERY COORDINATION ISSUES

38 (No. 2:21-cv-00693-JHC; No. 2:20-cv-00424-JHC; No. 22-cv-00965-JHC) - 6

1 PAUL, WEISS, RIFKIND, WHARTON &
2 GARRISON LLP

3 Karen L. Dunn (*pro hac vice*)
4 William A. Isaacson (*pro hac vice*)
5 Amy J. Mauser (*pro hac vice*)
6 Kyle Smith (*pro hac vice*)
7 2001 K Street, NW
8 Washington, D.C. 20006-1047
Telephone: (202) 223-7300
Email: kdunn@paulweiss.com
Email: wisaacson@paulweiss.com
Email: amausuer@paulweiss.com
Email: ksmith@paulweiss.com

9 Yotam Barkai (*pro hac vice*)
10 Mark A. Weiner (*pro hac vice*)
11 1285 Avenue of the Americas
12 New York, N.Y. 10019-6064
Telephone: (212) 373-3452
Email: ybarkai@paulweiss.com
Email: mweiner@paulweiss.com

14 *Attorneys for Defendant Amazon.com, Inc.*

IT IS SO ORDERED.

February 18, 2025

Dated



John H. Chun
United States District Judge

STIP. MOT. & ORDER

RE ADDITIONAL DISCOVERY COORDINATION ISSUES

(No. 2:21-cv-00693-JHC; No. 2:20-cv-00424-JHC; No. 22-cv-00965-JHC) - 8